

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	1:13cr17
v.)	Electronic Filing
)	
MICHAEL EUGENE BREWSTER)	

MEMORANDUM ORDER

AND NOW, this 29th day of July, 2021, upon due consideration of defendant's Motion for Change of Schedule of Payments and the government's response thereto, IT IS ORDERED that the [12] the motion be, and the same hereby is, denied.

Defendant complains about his participation in the Bureau of Prison's Inmate Financial Responsibility Program (IFRP). But beyond the court's judgment, defendant chose to participate in this program and signed documents with the BOP in order to gain the opportunity to earn more wages.

To the extent defendant seeks to modify the judgment in this case, his request is misplaced. As a general matter, a court cannot modify a criminal judgment after it has been imposed absent specific authorization to do so. McMillan v. United States, 257 F. App'x 477, 479 (3d Cir. 2007); see also Dillon v. United States, 560 U.S. 817, 819 (2010) ("A federal court generally may not modify a term of imprisonment once it has been imposed."). Defendant has failed to supply any authority for modification of his judgment at this juncture. And the court is not aware of any.

Moreover, as aptly noted in the government's response, there is no sound reason for the court to intervene in defendant's ongoing day-to-day service of his sentence. Defendant's voluntary participation in the IFRP does not deprive him of the basic necessities and care which the BOP is obligated to provide and his decision to gain the benefit of some earnings at the

expense of making payment toward his Special Assessment and mandatory restitution does not impact the BOP's delivery of those necessities and care. Consequently, his motion for Change of Schedule Payments properly has been denied.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: United States Attorney's Office

(Via CM/ECF Electronic Mail)

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